

1 HONORABLE RONALD B. LEIGHTON
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10 UNITED STATES DISTRICT COURT
11 WESTERN DISTRICT OF WASHINGTON
12 AT TACOMA
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15 KARL J. DAVIS,
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17 Petitioner,

v.
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19 JOHN GAY, et al.,
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21 Respondents.

Case No. C08-5333RBL
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23 ORDER
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26 THIS MATTER comes on before the above-entitled Court upon Petitioner's Motion for a
27 Certificate of Appealability [Dkt. #30] and Motion for Appointment of Counsel [Dkt. #32]. Having
28 considered the entirety of the records and file herein, the Court finds and rules as follows:

29 For the reasons set forth in the Report and Recommendation [Dkt. #25] the Court declines to issue
30 a certificate of appealability because the petitioner has failed to make "a substantial showing of the denial
31 of a constitutional right." 28 U.S.C. §2253(c)(2). The Motion for a Certificate of Appealability [Dkt.
32 #30] is **DENIED**.
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34 Petitioner's Motion for Appointment of Counsel [Dkt. #32] is also **DENIED**.
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36 **IT IS SO ORDERED.**
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1 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party
2 appearing pro se.

3 Dated this 12th day of January, 2009.

Ronald B. Leighton
RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE